

**WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

**JUDGMENT IN A CIVIL CASE**

**UNITED STATES DISTRICT COURT**

BREND A ATUTONU KING, et al.,	)	
	)	
	)	
vs.	)	Case No. 18-3319-CV-S-MDH
	)	
WYNDHAM VACATION OWNERSHIP, INC.,	)	
et al.,	)	
	)	

— Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to determination before the Court. The issues have been determined and a decision has been rendered.

**It is THEREFORE ORDERED and ADJUDGED:**

Court hereby **GRANTS** Defendant's Motion to Dismiss for Lack of Jurisdiction over Non-Missouri Claims. (Doc. 3). Counts 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 15, and 17 are hereby **DISMISSED** for lack of personal jurisdiction. (Order, Doc. 41)

Defendants' Motion is hereby **GRANTED**. Plaintiffs Ron and Gail Bergschneider, Steve and Rita Cole, and Dennis and Christina Tobin and Defendants are **ORDERED** to submit to arbitration in accordance with the contract documents. Counts VI, VII, and XVIII of the Petition are **DISMISSED** with prejudice. (Order, Doc. 59)

Plaintiffs' petition does not satisfy Rule 9(b), the Court hereby **GRANTS** Defendant's Renewed Motion to Dismiss and **DISMISSES** the petition without prejudice. The Court **DENIES** as moot Defendants' Motion to Dismiss for Failure to Comply with Rule 9(b). (Doc. 5). (Order, Doc. 70)

Court hereby **GRANTS** Wyndham's Motion for Summary Judgment (Doc. 84) on its counterclaims and enters **JUDGMENT** against Thomas Kohlbeck and Gay Hartfiel on Count I of Wyndham's Counterclaim and against Rita Leake and Roger Leake on Count II of Wyndham's Counterclaim. (Order, Doc. 88)

Court hereby awards **\$63,015.85** in favor of WVR and against Roger and Rita Leak. The Court awards **\$201,508.53** in favor of WVR and against Gary Hartfiel and Thomas Kohlbeck. (Order, Doc. 89)

**IT IS SO ORDERED.**

April 7, 2020  
Date

Paige Wymore-Wynn  
Clerk of Court

Entered on: April 7, 2020

s/Linda Howard  
(By) Deputy Clerk